

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rutvik Doshi et al.
Serial No. 10/813,252
Filing Date: March 30, 2004
Examiner: Melvin H. Pollack
Art Unit: 2145
Confirmation No.: 4823
Title: METHOD AND SYSTEM FOR MANAGEMENT AND
CONFIGURATION OF REMOTE AGENTS

Mail Stop AF

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

PRE-APPEAL BRIEF REQUEST FOR REVIEW

The following Pre-Appeal Brief Request for Review ("Request") is being filed in accordance with the provisions set forth in the Official Gazette Notice of July 12, 2005 ("OG Notice"). Pursuant to the OG Notice, this Request is being filed concurrently with a Notice of Appeal. Applicants respectfully request reconsideration of the application in light of the remarks set forth below.

REMARKS

In a final Office Action mailed January 10, 2008 (the “Final Office Action”) and an Advisory Action mailed March 26, 2008 (the “Advisory Action”) Claims 1-15 were rejected. Applicants seek review of the rejection of Claims 13-15. Applicants do not seek review in this request of the rejections of Claims 1-12. Applicants request a finding that the rejection of Claims 13-15 is improper.

Section 102 Rejections

Claims 13-15 were rejected under 35 U.S.C. § 102(e) as being anticipated by Keller (“*Keller*”) (U.S. Patent No. 7,240,325). Applicants respectfully traverse these rejections for the reasons stated below.

Claim 13 is directed to a method for management and configuration of remote agents. At least one web service is provided. At least one remote agent on a network is detected by the at least one web service by retrieving agent metadata from network devices based on one or more detection parameters. At least one of managing and configuring the at least one remote agent is performed based on the at least one web service. At least one alert notification is received from the at least one remote agent. The alert notification includes an indication of a change to the at least one remote agent. *Keller* does not teach or suggest each of the limitations.

For example, *Keller* fails to teach or suggest “detecting, by the at least one web service, at least one remote agent on a network by retrieving agent metadata from a plurality of network devices based on one or more detection parameters.” The Final Office Action contends that dependency repository 225 discloses the at least one web service that detects remote agents, but this is incorrect. *Keller* teaches **the dependency repository 225 already includes all information related to managed resources 220**, stating “[t]he resource dependency repository contains the inventory of the hardware and software components of every managed resource 220 and the dependency information on a per-resource basis.” *See Keller*, Column 14, lines 56-59. Thus, *Keller* fails to teach or suggest “detecting, by the at least one web service, at least one remote agent on a network by retrieving agent metadata from a plurality of network devices based on one or more detection parameters.”

In response to this argument, the Advisory Action presents a new argument that “dependency service 245 talks to remote agents on managed resources 220 and retrieves relevant metadata,” but this argument is misplaced. *See* Advisory Action, Page 2. Even assuming for the sake of argument that dependency service 245 **talks** to remote agents (which Applicants do not concede), **talking** to remote agents does not teach or suggest **detecting remote agents on a network**. At no point does *Keller* teach or suggest that dependency service 245 detects remote agents on a network. Instead, as indicated above, *Keller* teaches that dependency service 245 makes use of pre-existing information for every managed resource 220, stating “dependency service 245 makes use of information stored in system repositories 745 for generating appropriate service dependency information.” *See Keller*, Column 21, lines 4-9. Thus, *Keller* fails to teach or suggest “detecting, by the at least one web service, at least one remote agent on a network by retrieving agent metadata from a plurality of network devices based on one or more detection parameters.”

The Advisory Action also contends that Column 12, lines 5-30 of *Keller* disclose “receiving at least one alert notification from the at least one remote agent, the at least one alert notification comprising an indication of a change to the at least one remote agent.” *See* Advisory Action, Page 2. Once again, the Advisory Action mischaracterizes *Keller*. The cited portion of *Keller* teaches “querying one or more status variables” for a particular application and “assigning the status to the icon,” so that the application may be color coded to reflect a current status. *See Keller*, Column 12, lines 10-20. Querying an application to assign a color to the application to reflect a status in no way teaches or suggest **receiving an alert notification from a remote agent**. Thus, at no point does *Keller* teach or suggest “receiving at least one alert notification from the at least one remote agent, the at least one alert notification comprising an indication of a change to the at least one remote agent.”

For at least these reasons, Applicants respectfully contend Claim 13 is patentably distinguishable from *Keller*. Claims 14 and 15 are patentably distinguishable at least for analogous reasons. For at least these reasons, Applicants respectfully contend that Claims 13-15 are patentably distinguishable from *Keller*.

CONCLUSION

As the rejections of Claim 13-15 contain clear legal and factual deficiencies, Applicants respectfully request a finding of allowance of Claim 13-15. If the PTO determines that an interview is appropriate, Applicants would appreciate the opportunity to participate in such an interview. To the extent necessary, the Commissioner is hereby authorized to charge any required fees or credit any overpayments to Deposit Account No. **02-0384 of Baker Botts L.L.P.**

Respectfully submitted,

BAKER BOTTS L.L.P.
Attorneys for Applicants



Luke K. Pedersen
Reg. No. 45,003
PHONE: (214) 953-6655

Date: 4/10/08

CORRESPONDENCE ADDRESS:

Customer Number: **05073**